

# FILED

MAR 13 2009

ERIC ANTONIO DUNN,

Plaintiff,

**VS.**

MRS. STOFORD et al.,

**Defendants.**

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY W. H. DEPUTY

No. CIV-08-910-W

## ORDER

On February 17, 2009, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that the action be dismissed without prejudice to refiling. Plaintiff Eric Antonio Dunn was advised of his right to object to the Report and Recommendation, but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Bacharach's suggested disposition of this matter. On September 3, 2008, as well as on January 6, 2009, Magistrate Judge Bacharach advised Dunn that it was Dunn's responsibility to complete and furnish to the Clerk of the Court all necessary service papers and to file proof of service. Dunn was further advised that his failure to do so may result in dismissal of this action without prejudice.

No papers have been furnished to the Clerk,<sup>1</sup> and service on the defendants has not been perfected. As Magistrate Judge Bacharach found, there are no grounds in the record that would support a further extension of time to effect service. E.g., Espinoza v. United

<sup>1</sup>The Clerk mailed service papers to Dunn for Dunn's use in this case on two occasions, September 3, 2008, and November 17, 2008.

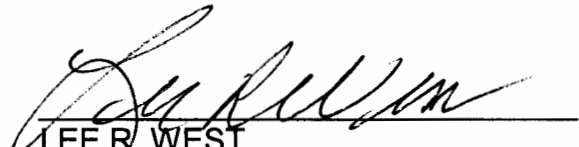
States, 52 F.3d 838 (10<sup>th</sup> Cir. 1995).

Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on February 17, 2009; and

(2) DISMISSES this matter without prejudice to refiling.

ENTERED this 13<sup>th</sup> day of March, 2009.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE